

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROLEX WATCH U.S.A., INC.,

ORDER

Plaintiff,

09-cv-025-slc

v.

VINCENT F. BARRETT a/k/a VINCE KONICEK,  
individually and d/b/a WWW.PROLESREPLICA.COM,  
WWW.MAGNETICSERVICES.COM, “VINCENTERPRISE”  
“MAGNETIC JEWELRY ORIGINALS PLUS MAGNETIC  
HEALING AIDS”, “THE COMPLETE MAGNETIC HEALTH  
STORE”, UNKNOWN WEBSITES 1-10, UNKNOWN ENTITIES  
1-10, and “JOHN DOES” 1-10,

Defendants.

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On October 9, 2009 I denied Vince Konicek’s request for leave to proceed in forma pauperis on appeal. Now plaintiff has filed a motion to voluntarily dismiss his appeal. Because his appeal has been filed, this court lacks jurisdiction to dismiss it. He must file his motion in the court of appeals.

ORDER

IT IS ORDERED that plaintiff's motion to voluntarily dismiss his notice of appeal, dkt. #43, is DENIED for lack of jurisdiction.

Entered this 20<sup>th</sup> day of October, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge